

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 6, 2009 at 8:34 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 391, 1/30/2009

Executive Action: HB 80, HB 94, HB 286, HB 374, HB
352, HB 354, HB 391, SB 42

HEARING ON HB 391

Opening Statement by Sponsor:

00:01:03 Rep. Don Roberts (R), HD 56, opened the hearing on HB 391, Establish criteria for enforceable non-compete agreements.

Proponents' Testimony:

00:01:44 Ed Butcher, Regional Manager, Aftco, Dental and Health Care Consulting

[EXHIBIT \(buh28a01\)](#)

00:09:11 Rep. Augare enters.

00:11:05 Aimee Grmoljez, Billings Clinic

Opponents' Testimony:

00:11:48 Mary McCue, Montana Medical Association

[EXHIBIT \(buh28a02\)](#)

00:16:05 Robert Johnson, Montana AFL-CIO

00:17:13 Elaine Samuel, Physician, Helena, Montana

[EXHIBIT \(buh28a03\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:20:16 Rep. B. Beck

00:20:47 Rep. Roberts

00:21:44 Rep. B. Beck

00:21:44 Rep. Roberts

00:22:12 Rep. B. Beck

00:22:22 Rep. Roberts

00:22:36 Rep. Berry

00:23:10 Rep. Butcher

00:24:12 Rep. Berry

00:24:25 Rep. Butcher

00:25:57 Rep. Furey

00:26:24 Ms. Grmoljez

00:28:07 Rep. Furey

00:28:38 Ms. Grmoljez
00:29:33 Rep. Furey
00:30:02 Ms. Grmoljez
00:30:09 Rep. Berry
00:31:11 Ms. Grmoljez

Closing by Sponsor:

00:31:38 Rep. Roberts

00:32:41 Chairman Wilson calls for a recess.
01:13:40 Chairman Wilson resumes hearing.

01:14:01 Emily Dummer, Rossiter Elementary School, Helena,
Montana

EXECUTIVE ACTION ON HB 80

01:17:17 **Motion:** Rep. Reinhart moved that **HB 80 DO PASS.**

01:18:01 **Motion:** Rep. Reinhart moved that **HB 80 BE AMENDED.**
EXHIBIT (buh28a04)

01:18:34 Mr. Campbell

Discussion:

01:22:27 Rep. Reinhart

01:22:46 **Vote:** Motion carried unanimously by voice vote. Rep.
Reichner voted by proxy.

01:23:05 **Motion/Vote:** Rep. Reinhart moved that **HB 80 DO PASS AS**
AMENDED. Motion carried 17-1 by voice vote with Rep.
Vance voting no. Rep. Reichner voted by proxy.

EXECUTIVE ACTION ON HB 94

01:23:59 **Motion:** Rep. Reinhart moved that **HB 94 DO PASS.**

01:25:26 **Motion/Vote:** Rep. Milburn moved that **HB 94 BE AMENDED.**
Motion carried unanimously by voice vote. Rep. Reichner
voted by proxy.
EXHIBIT (buh28a05)

01:26:41 **Motion:** Rep. Beck moved that **HB 94 DO PASS AS AMENDED.**

Discussion:

01:27:05 Rep Reinhart

01:27:39 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

EXECUTIVE ACTION ON HB 286

01:28:37 **Motion:** Rep. Reinhart moved that **HB 286 DO PASS.**

01:29:14 **Motion:** Rep. Berry moved that **HB 286 BE AMENDED.**
EXHIBIT(buh28a06)

Discussion:

01:30:07 Rep. Beck

01:30:20 Rep. Berry

01:31:19 Chairman Wilson

01:31:33 Greg VanHorssen, State Farm Insurance Company

01:33:23 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

01:33:48 **Motion:** Rep. Reinhart moved that **HB 286 DO PASS AS AMENDED.**

Discussion:

01:34:09 Rep. Arntzen

01:34:21 Rep. Reinhart

01:34:35 **Vote:** Motion carried 16-2 by roll call vote with Rep. Milburn and Rep. Wilson voting no. Rep. Reichner voted by proxy.

EXECUTIVE ACTION ON HB 374

01:36:13 **Motion:** Rep. Reinhart moved that **HB 374 DO PASS.**

01:37:18 **Motion:** Rep. Arntzen moved that **HB 374 BE AMENDED.**
EXHIBIT(buh28a07)

01:38:51 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

Discussion:

01:39:17 Rep. Arntzen
01:39:50 Rep. Reinhart

01:40:05 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

EXECUTIVE ACTION ON SB 42

01:40:59 **Motion/Vote:** Rep. Reinhart moved that **SB 42 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

EXECUTIVE ACTION ON HB 352

01:42:01 **Motion:** Rep. Reinhart moved that **HB 352 DO PASS**.

Discussion:

01:42:12 Rep. Klock
01:42:27 Rep. Milburn

01:42:57 **Vote:** Motion failed 2-16 by roll call vote with Rep. Berry and Rep. Welborn voting aye. Rep. Reichner voted by proxy.

01:43:55 **Motion/Vote:** Rep. Reinhart moved that **HB 352 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

EXECUTIVE ACTION ON HB 354

01:44:29 **Motion/Vote:** Rep. Reinhart moved that **HB 354 DO PASS**. Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

EXECUTIVE ACTION ON HB 391

01:45:39 **Motion:** Rep. Reinhart moved that **HB 391 DO PASS**.

Discussion:

01:45:47 Rep. Arntzen
01:46:02 Mr. Campbell
01:47:17 Rep. Hunter

01:48:23 **Vote:** Motion failed 4-14 by roll call vote with Rep. Klock, Rep. Milburn, Rep. Vance, and Rep. Welborn voting aye. Rep. Reichner voted by proxy.

01:49:31 **Motion/Vote:** Rep. Wilson moved that **HB 391 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

Further Discussion:

01:50:42 Rep. Vance
01:50:49 Rep. Reinhart
01:50:55 Chairman Wilson
01:51:03 Rep. Reinhart
01:51:07 Rep. Klock
01:51:28 Chairman Wilson
01:51:34 Rep. Augare
01:51:40 Rep. Reinhart
01:52:01 Chairman Wilson

ADJOURNMENT

01:52:51 Adjournment: 10:27 A.M.

Santella Baglivo, Secretary

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Additional Documents:

EXHIBIT ([buh28aad.pdf](#))